

Name: W. Lloyd Benner - ADLER, KAPLAN & BEGY
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State Bar Code: 003761
Client: Attorney for Plaintiffs

ARIZONA SUPERIOR COURT, County of Maricopa

AP PROPANE, INC., a corporation, and CERTAIN
UNDERWRITERS AT LLOYD'S LONDON and COMPANIES
SUBSCRIBING TO POLICY NO. 86/0139N,

Plaintiffs,

vs.

FENIX & SCISSON, INC.; and DOES 1 through 25;

Defendants.

ACTION NO: CV 89-06608

SUMMONS

THE STATE OF ARIZONA TO THE DEFENDANTS:

FENIX & SCISSON, INC.; and DOES 1 through 25;

40113958



SUPERFUND RECORDS

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona — whether by direct service, by registered or certified mail, or by publication — you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this state, the insurer shall not be required to appear, answer or plead until expiration of 40 days after date of such service upon the Director. Service by registered or certified mail without the State of Arizona is complete 30 days after the date of filing the receipt and affidavit of service with the Court. Service by publication is complete 30 days after the date of first publication. Direct service is complete when made. Service upon the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. RCP 4; ARS §§ 20-222, 28-502, 28-503.

SUMMONS



YOU ARE HEREBY NOTIFIED that in case of your failure to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you are required to serve a copy of any Answer or response upon the Plaintiffs' attorney. RCP 10(d); ARS § 12-311; RCP 5.

The name and address of plaintiffs' attorney is:

W. Lloyd Berner
ADLER, KAPLAN & BEGY
One East Camelback, Ste. 550
Phoenix, Arizona 85012
602/263-1944

Mark W. Kelley
FISHER & HURST
Four Embarcadero Center, 25th Floor
San Francisco, CA 94111
415/956-8000

SIGNED AND SEALED this date: _____

COPY

Clerk

By _____ MAR 9 83
Deputy Clerk

SUMMONS



1-1 © LawForms 11-87, 3-84

JUDITH ALLEN, CLERK
M. LEO VARD
DEPUTY CLERK